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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,730	01/06/2004	Jonathan Norberg	70906-010100	6358

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EXAMINER

SKURDAL, COREY NELSON

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,730

Applicant(s)

NORBERG, JONATHAN

Examiner

Corey N. Skurdal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/6/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 03/25/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the loop of claim 5, in which it is "fixed to the front wall thereof", must be shown or the feature(s) canceled from the claim(s). Currently, Figure 3 shows a loop, which is attached to the far side or the back wall of pocket 27. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 5, line 1 and 2, recites the limitation "a loop fixed to the front wall" which is not referred to in the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4, 5, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4, 5, and 9 recite the limitation "the other of said pockets" in line 1 of each respective claim. There is insufficient antecedent basis for this limitation in the claims thereby making the claims indefinite and unclear.

Claim 8 recites the limitation "wherein said last-mentioned pocket" in line 1 of the claim. This phrase is unclear and lacks sufficient antecedent basis for this limitation in the claims thereby making the claims indefinite and unclear.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 6 rejected under 35 U.S.C. 102(b) as being anticipated by Boch (US 1,184,311).

Regarding claims 1 and 6 Boch discloses a personal article holder, which is shown to be releasably secure, with adjusting means about the leg of the user. See figure 1. It can be shown that Boch is also be capable of releasably securing around the upper arm of the user, by means of buckles 13 and elastic strap 11. The personal article holder of Boch includes a plurality of pockets, each having a front and back wall (figure 1, also col. 3 line 25-30), interconnected side walls, a closed off bottom and a open top, each of which is mounted to a base (col. 2 line 91-96). The interconnected sidewalls of Boch are considered to be the stitching found along each side. Each pocket is also shown to be closed off by a flap 6, which can be removably secured to the front of each pocket by fastening means

7.

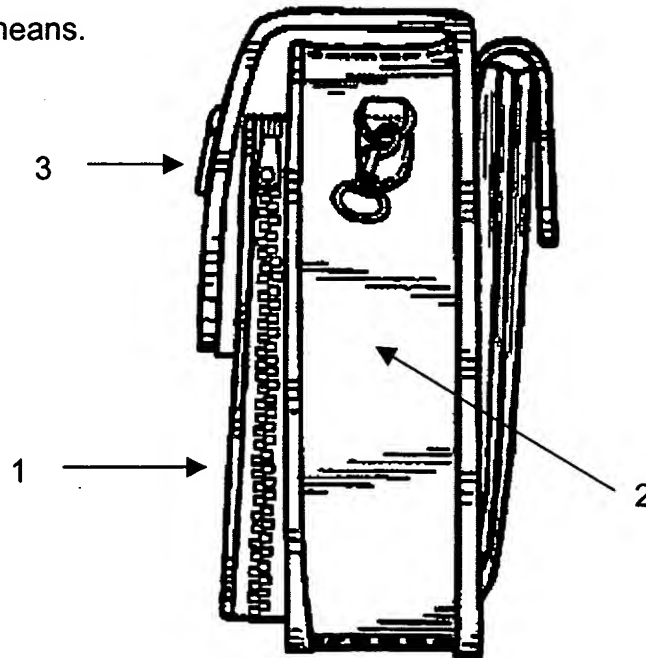
Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boch in view of Kopel (US D384,810). The claims differ from Boch in calling for a third pocket attached to the front of one of previous said pockets, open at one side and with a closing member. Kopel, however, discloses a case comprised of a multiple pockets (See figure 11 below) and in particular discloses a front pocket 1 closed on the side by a zipper and located on front of pocket 2 which is closed by flap 3 which attached to the front of pocket 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to place a pocket, open on one side with a zipper, on the front of one pocket of Boch in order to provide an additional pocket and storage space with more secure closure means.

**FIG. 11**

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10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boch in view of Hanson (US 4,119,249). The claims differ from Boch in calling for one pocket having a hole through its bottom. Hanson discloses a pack having multiple pockets, one of which is provided with a hole 47 in the bottom.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a pocket with a hole at the bottom so as to provide the user access to the contents of the pocket.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boch in view of Hanson, and in further view of Boretsky (US 4974762). The claims differ from the modified Boch device in calling for a loop fixed to one of the pockets. Boretsky discloses an armband pack with a loop 52 fixed to the front wall whereby the user can attach and hold an object in place. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the modified pocket of Boch with a loop attached in order to provide a manner to hold various objects in place.

12. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boch as applied in paragraph 7 above.

Regarding claims 7 and 9, Boch discloses the claimed invention except for does not specify one pocket being about 4" long and about 2" wide and the other pocket being about 3 1/2" long and about 4" wide. It would have been an obvious matter of design choice to make the one of the pockets of Boch of such dimensions, since such a modification would have involved a mere change in the

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size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

With respect to claim 8 the modified Boch device is capable of the claimed invention. In many orientations it can be shown that the pockets of Boch are disposed away and disposed adjacent from/to the upper body of the user.

13. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boch as applied in paragraph 12 and in view of Kopel. The claims differ from Boch in calling for a third pocket attached to the front of one of previous said pockets, open at one side and with a closing member. Kopel, however, discloses a case comprised of a multiple pockets (See figure 11 above) and in particular discloses a front pocket 1 closed on the side by a zipper and located on front of pocket 2 which is closed by flap 3 which attached to the front of pocket 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to place a pocket, open on one side with a zipper, on the front of one pocket of Boch in order to provide an additional pocket and storage space with more secure closure means.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 7am-530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-9588.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CS


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER